

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/EP2004/051136

International filing date (day/month/year)  
16.06.2004

Priority date (day/month/year)  
17.06.2003

International Patent Classification (IPC) or both national classification and IPC  
E05B65/20, E05B47/00, E05F15/16, B60J5/04

Applicant  
INTIER AUTOMOTIVE CLOSURES S.P.A.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE  
 INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
 PCT/EP2004/051136

**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/EP2004/051136

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**Box No. II Priority**

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1. ☒ The following document has not been furnished:
- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
  - ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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**Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	5-7
	No: Claims	1-4,8
Inventive step (IS)	Yes: Claims	5-7
	No: Claims	1-4,8
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

2. Citations and explanations

**see separate sheet**

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**Box No. VI Certain documents cited**

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1. Certain published documents (Rules 43*bis*.1 and 70.10)  
and / or
2. Non-written disclosures (Rules 43*bis*.1 and 70.9)  
**see form 210**

Re Item V.

1. The following documents are referred to in this communication:  
D1 : EP 1 149 969 A (MERITOR LIGHT VEHICLE SYSTEMS LTD) 31 October 2001  
D2 : US 6 075 298 A (TILLI CHRISTOPHER R ET AL) 13 June 2000  
D3 : US 5 920 158 A (FALCOFF MONTE L ET AL) 6 July 1999  
D4 : US 4 478 004 A (ANDREI-ALEXANDRU MARCEL ET AL) 23 October 1984  
D5 : DE 195 26 451 C (DAIMLER BENZ AG) 12 September 1996  
D6 : US 4 381 625 A (ANDREI-ALEXANDRU MARCEL ET AL) 3 May 1983

2. INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Although in D1 it is not explicitly mentioned that the closing mechanism of the lock is designed to couple in a releasable way with a lock striker for bringing about closing of said door [cf. claim 1, lines 3-5], it is clear that the lock of D1 must also include a striker, since this is an **implicit feature** of any vehicle door lock for its correct functioning.

Therefore, D1 (see paragraphs [0011] - [0016] and Figs. 1-5) discloses (the references in parenthesis applying to this document):

a functional unit (10) for a door (104, 105, 111) of a motor vehicle (100, 110), which comprises a lock (coupled to rocker 24 and link 50) and a window-regulator device (28, 48), said lock comprising a closing mechanism designed to couple in a releasable way with a lock striker for bringing about closing of said door (104, 105, 111), and an actuating mechanism (24, 50) for controlling release of said closing mechanism by said lock striker and bringing about opening of said door (104, 105, 111), said window-regulator device (28, 48) comprising an electrically operated actuator (12) for raising and lowering a window of said door (104, 105, 111), said functional unit (10) further comprises coupling means (16, 18, 22, 20, 46), which can be selectively activated for coupling together said actuator (12) and said actuating mechanism (24, 50) so as to enable opening of said door (104, 105, 111) by means of the actuator (12) itself.

2.2 Also the functional units described in D2-D6, comprise all the features of independent claim 1, and are thus novelty destroying documents for claim 1.

3. DEPENDENT CLAIMS 2-4, 8

Dependent claims 2-4, 8 do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

4. DEPENDENT CLAIMS 5-7

The combination of the features of dependent claims 5-7 are neither known from, nor rendered obvious by, the available prior art.